

US EPA ARCHIVE DOCUMENT

**STATEMENT OF JOHN PETER SUAREZ
NOMINEE FOR
ASSISTANT ADMINISTRATOR
FOR THE OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE
U.S. ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
MAY 7, 2002**

Mr. Chairman, Members of the Committee, I would like to thank you for the opportunity to appear before you today to introduce myself and talk about my nomination for the position of Assistant Administrator for the Office of Enforcement and Compliance Assurance (OECA) at the Environmental Protection Agency (EPA). With me today are my wife, Natalie, and our three children, Chloe, who is 4 years old, Laina, who is almost 2, and Maxwell, who is all of 7 weeks old. Also, please accept my apologies if any or all of them have to leave during this hearing.

First, I must thank President Bush for his trust and confidence in nominating me to head the Office of Enforcement and Compliance Assurance. I must also thank Governor Whitman, for whom I have had the pleasure of working previously and look forward to doing so again. I believe that the Nation's environmental laws are critically important to every American, and I hope to have the opportunity to enforce those laws to help ensure that all of us, especially our children, can enjoy cleaner air, purer water, and better protected land for years to come.

I believe that my background and experience have prepared me well for this challenging position, and I would like to take a few moments to describe that for you. My interest in working in the public sector and serving the public interest is deep-rooted, and comes in large part from the values instilled in me by my parents. My father, whose family hails from Spain, and my mother, who was born and raised in Nicaragua, believed that public service was a noble calling, and encouraged all of their children to consider careers in government or in service to others. My brother went to the Air Force Academy and now serves as a Lt. Colonel in the Air Force assigned to the Pentagon, while my oldest sister has nearly completed her doctoral thesis and hopes to provide counseling and therapy to minority adolescents. My other sister is a lawyer who works for her husband's company. All of my siblings are successes in my eyes, and I admire each of them.

When I went to law school at the University of Pennsylvania, I knew from the moment I entered that I was interested in pursuing a career as a prosecutor. After I graduated from law school, I clerked for a federal judge and then applied to the U.S. Attorney's Office, knowing that this was where I wanted to start my career. I was, fortunately, accepted by the District of New Jersey, and began to develop as a lawyer in a terrific prosecutor's office.

While at the U.S. Attorney's Office I learned many skills that I believe are essential for a chief law enforcement officer. I learned how to try cases, how to manage investigations, and how to be a tough but fair prosecutor. I also saw first hand the tremendous impact that enforcement can have on the lives of those affected. I was fortunate to be able to try some difficult and exciting cases, and as a result of one of those cases, the successful prosecution of an Atlantic City street gang, I was awarded the U.S. Attorney General Director's Award. I was fortunate that I did not lose any of the cases that I tried, and to me that is a testament to the quality of the agents and supervisors with whom I had the pleasure of working.

If I am confirmed for this position, I believe that the lessons learned while in the U.S. Attorney's Office have equipped me well to understand the challenges facing agents, inspectors, and legal staff who work the front lines in environmental enforcement actions.

After I left the U.S. Attorney's Office, I went to the State of New Jersey's Division of Criminal Justice, where I was the Special Assistant to the Director of a 600-person statewide law enforcement agency. It was there that I began to learn how to manage attorneys and investigators, and how to maintain constructive relationships with colleagues in other state agencies, federal agencies, and the local law enforcement community. I worked with the Director to shape policy for the Division of Criminal Justice, and helped launch a number of statewide initiatives addressing long-entrenched problems plaguing New Jersey's communities. Through this experience, I learned the valuable lesson of working cooperatively across organizational lines and with different agencies to achieve the best results for law enforcement programs.

Governor Whitman then asked me to join the staff of her Counsel's Office, where I provided advice to the Chief Counsel and the Governor on criminal justice matters. It was while working in that capacity that Governor Whitman nominated me to be the Director of the Division of Gaming Enforcement, the state law enforcement agency charged with enforcing the laws and regulations related to the casino industry.

As the head of the Division of Gaming Enforcement, I oversaw a staff of 400 employees charged with ensuring the good character and integrity of the people and businesses who worked in the industry. The Division was comprised of several units, including a criminal enforcement section, a civil regulatory prosecutions unit, an audit function, and a technical services unit that dealt with the highly sophisticated computer software and hardware of the gaming industry. As the Director, I was able to lead the professionals from the Division in shaping policy and enforcing statutes and regulations, in either the criminal or civil context, and also to set the agency's enforcement priorities. I led the Division in the context of its licensing work, and crafted appropriate enforcement responses for various degrees of statutory violations in both civil and criminal matters.

My experience as the Director of the Division of Gaming Enforcement, provided me the opportunity to use the skills I had developed as a lawyer with an enforcement background in evaluating and analyzing the appropriate action to take against a regulated entity in order to achieve the best result. In leading a large law enforcement agency, with both civil and criminal responsibilities over a highly regulated industry, I developed management skills that will serve me well if I am confirmed as Assistant Administrator for the Office of Enforcement and Compliance Assurance.

As is reflected in the summary of my professional career, I have been involved in criminal or regulatory enforcement at both the federal and state level for over ten years. My experience working in very active enforcement offices has instilled a set of core principles that come with being in charge of a government enforcement office. These core principles include:

- First is fairness, for I believe that it is incumbent upon a law enforcement official to use the tremendous resources available in a fundamentally fair way, lest the entire process lose sight of the impact that it can have on individuals and communities.

- I also believe that as a law enforcement official, you can often times achieve better results by trying to work cooperatively with those who many would call your adversaries. Indeed, in my experience in the Division of Gaming Enforcement, I found that on many issues, even though the

industry may have disagreed with a decision that was reached, the process of soliciting industry input and enlisting their counsel worked to ensure a strong cooperative relationship between the regulator and the regulated. I also believe that flexibility is a critical component to a cooperative approach, because with flexibility you can often times achieve the desired result quickly and with less cost.

- As a necessary corollary to a cooperative and flexible approach, however, is the willingness to pursue appropriate enforcement actions against those entities who are either unwilling or unable to conform their conduct to what is required. In the proverbial "carrot and stick" model, I believe that a good enforcement official has the stick and is not afraid to use it.

- Finally, a good enforcement official must have faith in the system; faith in the legislative process, which produces the laws that we must enforce; and faith in the legal system, which is the forum that we must turn to when controversies and cases need to be settled. My experience has taught me that the system works, and it is a system that I have enjoyed being a part of throughout my legal career.

My experience, my commitment to public service, and my fundamental belief that our environmental laws provide the best guarantee that our Nation's natural resources will be protected, will allow me to lead the Office of Enforcement and Compliance Assurance. I can provide strong leadership, and can bring to the Office those core beliefs that I think are the mark of a good enforcement official. I expect to rely fully upon the experience and expertise of the very accomplished and dedicated staff of career employees in the Office of Enforcement and Compliance Assurance. I have met many of these dedicated staff and I am confident in their ability to assist me in the day-to-day management challenges and policy issues that may arise.

I would like to assure all of the Members of this Committee, the President and Governor Whitman, that if confirmed I will apply myself with the same vigor and energy that have marked my career to date, and that I will work as long and as hard as necessary to ensure that our Nation's environmental laws are being enforced as intended by Congress firmly and fairly.

At the end of the day, I will do everything in my power to live up to the promise that I have made to my three children, that this planet of ours will be a good and safe place to live. I will dedicate myself to a comprehensive enforcement program that will safeguard our water, our air and all of our Nation's precious natural resources.

I believe that enforcement must be a vigorous and active component of the EPA's efforts to protect our natural resources, and I would very much appreciate the opportunity to apply my experience and my desire to enforce the important environmental laws that this Congress has put in place.

I thank you for your patience this morning, and I am pleased to have this opportunity to answer any questions that you may have.